

SPEAKER BAACK: The amendment fails. The next amendment. The call is raised.

CLERK: Mr. President, the next amendment I have is by Senator Will. Senator, I have a note you wish to withdraw 3487 and substitute 3693. (See pages 1586-88 of the Legislative Journal.)

SENATOR WILL: Yes.

SPEAKER BAACK: No objection, so ordered.

SENATOR WILL: Mr. Speaker, members of the body, the amendment I just substituted is identical to the amendment I withdrew except it's properly drafted to the proper amendment. If you want to see the amendment that I'm introducing, it's found on page 1429 of the Journal, in substance at least. Essentially, what this amendment is is LB 936 which was heard by the Business and Labor Committee and advanced to the floor of the Legislature. And the amendment is very simple. All it would do is amend the definition of occupational disease within the workmen's compensation statutes to include cumulative trauma. Cumulative trauma is a condition that has always existed, I believe, but it's become increasingly a subject of debate when it comes to workmen's compensation being awarded. Essentially, what cumulative trauma amounts to is an occupational disease or injury that occurs over a period of time. Probably the two most common examples that I can think of are, number one, something that happens simply because of repetitive motion, heavy lifting, moving of objects, that results in a condition that doesn't go away, such as a back problem. The second I can think of is something that occurs without as much weight being involved, like carpal tunnel syndrome, from operating a key board or sewing. And all my amendment would do is simply make sure that cumulative trauma is included within the realm of injuries or diseases that are eligible for compensation under our workmen's compensation law. What is the need for this amendment? The need for this amendment arises from a series of recent Nebraska Supreme Court decisions that addressed this very issue. And the problem with these decisions is that taking very similar fact situations, the Supreme Court has come down on different sides with respect to the cumulative trauma issue and whether an individual who suffers from it can be compensated. Probably the two cases that best illustrate the problem that has arisen are one case called Vencil v. Valmont Industries and another case